

REMARKS

Upon entry of the foregoing amendment, claims 1-16 are pending in the application, with claim 1 being the sole independent claim. Claims 1, 2, 4, 11, 13, and 16 have been amended. Claim 6 has been canceled. Claims 17 and 18 were previously canceled.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1, 2, 4-6, 15, and 16

Claims 1, 2, 4-6, 15, and 16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by WO 98/34,789 to Kuntze (hereinafter "Kuntze"). Applicants respectfully traverse this rejection.

Amended independent claim 1 recites, among other features, *the marking head being mounted on a support arm which allows the marking head to be moved with respect to the personal load carrying system while transferring the weight of the marking head to the personal load carrying system.*

Support for the amendment of independent claim 1 may be found, for example, at paragraphs 7-8 of page 6 of the specification and in the discussion of Figure 4 at pages 21-24 of the specification of the present patent application.

Kuntze describes a hand-held laser inscription device that includes a hand-held device 1 and a support device 2. Kuntze, Col. 7, lines 17-24. The hand-held device 1 and the support device 2 are connected by a cable connection 17, 18, consisting of a glass fiber cable and/or an electric connection cable. Kuntze, Col. 7, lines 25-28. However, Kuntze does not teach *the marking head being mounted on a support arm which allows the marking head to be moved with respect to the personal load carrying system while transferring the weight of the marking head to the personal load carrying system*, as set forth in Applicants' claim 1, as amended.

Kuntz discloses a handheld laser-writing device, but there is no mention that it is suitable for marking a part of a vehicle, which requires precise control of the positioning of the marking head. Further, Kuntz does not disclose that the marking head should be mounted on the end of an arm which allows the weight to be transmitted to a personal load carrying system, as specifically recited in claim 1. It has been found that mounting the marking head on an arm which transfers the weight to the personal load carrying system allows very precise control of the positioning of the marking head with respect to the vehicle to be marked, allowing a high quality mark to be formed. Kuntz does not disclose this important feature of the invention.

For at least the reasons set forth above, Applicants assert that independent claim 1, as amended, is distinguishable over Kuntze.

Moreover, claims 2, 4-6, 15, and 16, all of which depend from independent claim 1, also distinguish over Kuntze for at least the same reasons set forth above with respect to independent claim 1, as amended, and further in view of their own respective features.

Applicants therefore respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102.

Rejections Under 35 U.S.C. § 103

Claims 1, 3, 7, 10, 13, and 14

Claims 1, 3, 7, 10, 13, and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,298,717 to DeRossett, Jr. (hereinafter "DeRossett") in view of U.S. Patent No. 6,362,451 to Karni *et al.* (hereinafter "Karni") or U.S. Patent No. 6,114,651 to Schluter *et al.* (hereinafter "Schluter"). Applicants respectfully traverse this rejection.

The Examiner concedes that DeRossett does not disclose laser marking head configured to be carried by a person. Applicants further assert that DeRossett does not teach *the marking head and laser emitter are movable and both configured to be carried by a person, wherein the emitter is carried on a personal load carrying system which is rigidly mountable on a user's body, the marking head being mounted on a support arm which allows the marking head to be moved with respect to the personal load carrying system while transferring the weight of the marking head to the personal load carrying system*, as set forth in Applicants' claim 1, as amended.

DeRossett describes an apparatus for high production inscription of indicia. DeRossett, Col. 7, lines 42-43. The apparatus includes a swing arm 114 that is pivotally connected at one end to a mounting plate 112 and carries a spring loaded pulley and cable assembly 116 for the vertical adjustment of the marking head 27 which secured to the cable. Horizontal positioning of the marking head 27 is provided by a second cable 118

secured along the bottom surface of the swing arm 114 to which the pulley and cable assembly 116 is movably attached by means of a roller 120. DeRossett, Col. 7, lines 60-68; Figures 9-10. However, nothing in DeRossett teaches *the marking head and laser emitter are movable and both configured to be carried by a person, wherein the emitter is carried on a personal load carrying system which is rigidly mountable on a user's body, the marking head being mounted on a support arm which allows the marking head to be moved with respect to the personal load carrying system while transferring the weight of the marking head to the personal load carrying system*, as set forth in Applicants' claim 1, as amended.

Furthermore, Karni and Schluter do not provide the teachings that are missing from DeRossett. Karni describes a laser marking device that includes a laser head 34 and a marking head 40 that are optically connected via a flexible laser delivery system 36. Karni, Col. 5, lines 39-43; Col. 6, lines 1-3. In a preferred embodiment, laser delivery system is an optical fiber 38, yet, as well known in the art, flexible laser delivery system 36 may alternatively be in the form of an articulated arm equipped with a mirror in each articulation, e.g., a seven knee type arm, as well known in the art. Karni, Col. 5, lines 60-65; Figure 2. In a preferred embodiment, marking head 40 includes a handle 62 equipped with a marking on/off control device 64. Karni, Col. 6, lines 63-65; Figure 3. However, nothing in Karni teaches *the marking head and laser emitter are movable and both configured to be carried by a person, wherein the emitter is carried on a personal load carrying system which is rigidly mountable on a user's body, the marking head being mounted on a support arm which allows the marking head to be moved with respect to the personal load carrying system while transferring the weight of the marking head to the personal load carrying system*, as set forth in Applicants' claim 1, as amended.

Schluter describes a laser beam apparatus for the removal of surface layers from work pieces with a beam-emitting head that may be guided by hand. Schluter, Abstract. Figure 2 of Schluter shows a handgrip 35. However, nothing in Schluter teaches *the marking head and laser emitter are movable and both configured to be carried by a person, wherein the emitter is carried on a personal load carrying system which is rigidly mountable on a user's body, the marking head being mounted on a support arm which allows the marking head to be moved with respect to the personal load carrying system while transferring the weight of the marking head to the personal load carrying system*, as set forth in Applicants' claim 1, as amended.

Thus, Applicants assert that independent claim 1, as amended, is patentable over DeRossett, Karni, and Schluter, alone or in any combination.

Furthermore, claims 3, 7, 10, 13, and 14, all of which depend from independent claim 1, are also patentable over DeRossett, Karni, and Schluter, alone or in any combination, for at least the same reasons set forth above with respect to independent claim 1, as amended, and further in view of their own respective features.

Therefore, reconsideration and withdrawal of the rejection of claims 1, 3, 7, 10, 13, and 14 is respectfully requested.

Claim 11

Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over DeRossett in view of Karni or Schluter, and further in view of U.S. Pub. No. 2002/0198622 to Dinauer *et al.* (hereinafter "Dinauer"). Applicants respectfully traverse this rejection.

Applicants assert that amended claim 11 is patentable over DeRossett, Karni, and Schluter, alone or in any combination, for at least the same reasons set forth above with respect to independent claim 1, as amended, and further in view of its own features.

Furthermore, Dinauer does not provide the teachings that are missing from DeRossett, Karni, and Schluter. Thus, Applicants assert that amended claim 11 is patentable over DeRossett, Karni, Schluter, and Dinauer, alone or in any combination.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 11.

Claim 12

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over DeRossett in view of Karni or Schluter, and further in view of U.S. Patent No. 5,563,900 to Clement *et al.* (hereinafter "Clement"). Applicants respectfully traverse this rejection.

Applicants assert that claim 12 is patentable over DeRossett, Karni, and Schluter, alone or in any combination, for at least the same reasons set forth above with respect to independent claim 1, as amended, and further in view of its own features.

Furthermore, Clement does not provide the teachings that are missing from DeRossett, Karni, and Schluter. Thus, Applicants assert that claim 12 is patentable over DeRossett, Karni, Schluter, and Clement, alone or in any combination.

Therefore, reconsideration and withdrawal of the rejection of claim 12 is respectfully requested.

Claim 8 and 9

Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over DeRossett in view of Karni or Schluter, and further in view of U.S. Pub. No. 2002/0167974 to Kennedy *et al.* (hereinafter "Kennedy"). Applicants respectfully traverse this rejection.

Applicants assert that claims 8 and 9 are patentable over DeRossett, Karni, and Schluter, alone or in any combination, for at least the same reasons set forth above with respect to independent claim 1, as amended, and further in view of its own features.

Furthermore, Kennedy does not provide the teachings that are missing from DeRossett, Karni, and Schluter. Thus, Applicants assert that claims 8 and 9 are patentable over DeRossett, Karni, Schluter, and Kennedy, alone or in any combination.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 8 and 9.


Application No. 10/583,475
Amendment dated September 28, 2007
Reply to Office Action of June 28, 2007

Docket No.: M0025.0355/P355

Prompt and favorable consideration of this Amendment is respectfully
requested.

Dated: September 28, 2007

Respectfully submitted,

By 

Stephen A. Soffen

Registration No.: 31,063

Bryan S. Wade

Registration No.: 58,228

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicants